IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL **APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.978 OF 2005

1. Dnyandeo Laxman Parekar,
2. Laxman Ganpat Parekar,
3. VitthalGanpat Parekar,
All Agriculturists, r/o Gokhali
(Parekar Vasti), Taluka Indapur
Dist-Pune, presently at Yerwada
Central Prison, Pune. .. Applicants.

Vs

The State of Maharashtra, .. Respondent
Mr Vikas Shivarkar, Advocate for the applicants.
Nr V.B.Konde-Deshmukh, APP for the respondent.
(Chamber matter)

CORAM : D.B.BHOSALE, J.

DATE : April 19, 2005.

P.C.

1. Heard Mr Shivarkar, learned counsel for the applicants and Mr Konde-Deshmukh, learned APP for the respondent.

2. This is the second application for bail filed by the applicants seeking bail in C.R.No.I-20/2004 registered at Indapur Police Station mainly under section 302 of Indian Penal Code. This application is pressed only on humanitarian ground. Mr Shivarkar, learned counsel for the applicant, submitted that three female children of the accused, viz. Nanda, Vaishali and Shobha have left the school

since their parents are behind bar in this case. He submitted that all the accused involved in the case are members of one and the same family. Therefore, he submitted that even if one of the accused is released on bail, he would be able to look after the aforementioned female children and see that they pursue their education. On the last occasion, the learned APP was directed to verify the statements made in the application with regard to the children mentioned in the application. Mr Konde-Deshmukh, learned APP on instructions, fairly states that it is true that all the three female children in the family of the applicants have stopped the education only because their parents are behind bar. Mr Konde-Deshmukh, on instructions from one Sanjay V. Shitre, Sub-Divisional Police Officer, who is present in the Court, states that the police would not have any objection to release applicant no.2 - Laxman Ganpat Parekar on bail putting some strengthen conditions so as to enable him to look after the children in the family and see that all children continue their education.

3. Let me make it clear that on earlier occasion vide order dated 10.8.2004 the application of all the three applicants was rejected on merits finding that

there is sufficient material against all of them so as to prima facie implicate them in the alleged offence. However, considering the submissions of the learned counsel appearing for the parties and keeping in view that three female children who were taking education in the school at their village, have left education and only with a view to enable them to pursue their education, I am inclined to enlarge Laxman Ganpat Parekar-applicant no.2 on bail. Hence following order.

I. Laxman Ganpat Parekar - applicant no.2 - is directed to be enlarged on bail on his furnishing a personal bond of Rs.15,000/- with one or two sureties of the like amount to the satisfaction of the trial Court subject to the following conditions:

(i) He shall report the concerned police station on every Monday, Wednesday and Saturday between 10 am and 11 am.

(ii) He shall submit sufficient documentary proof to show that all the children in their family and in particular the aforementioned three female children are pursuing their education within 12 weeks from the date of his release. If he fails to satisfy the

investigating officer as stated above, it is open for the investigating officer to approach this Court for cancellation of bail.

(iii) The application of the two other applicants is rejected.

(D.B.Bhosale, J.)